

EDMUND G. BROWN JR.
Attorney General of the State of California
MIGUEL A. NERI, Supervising
Deputy Attorney General
FIEL TIGNO, Supervising
Deputy Attorney General
KAREN KIYO HUSTER
Deputy Attorney General
State Bar No. 173622
1515 Clay Street, Suite 2000
P.O. Box 70550
Oakland, CA 94612-0550
Telephone: (510) 622-2197
Fax: (510) 622-2121

Attorneys for Defendant
California Department of Corrections and
Rehabilitation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROSARIO MARINELLO,

Petitioner,

v.

**CALIFORNIA DEPT. OF CORRECTIONS AND
REHABILITATION,**

Respondent.

Case No.: C 08-0664 EDL

**DECLINATION TO
PROCEED BEFORE A
MAGISTRATE JUDGE AND
REQUEST FOR
REASSIGNMENT TO A
UNITED STATES DISTRICT
JUDGE**

REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

The undersigned party hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Judge.

///

///

///

1 Dated: April 10, 2008

2 Respectfully submitted,

3 EDMUND G. BROWN JR.
4 Attorney General of the State of California
5 MIGUEL A. NERI, Supervising
6 Deputy Attorney General
7 FIEL D. TIGNO, Supervising
8 Deputy Attorney General

9 /s/
10 KAREN KIYO HUSTER
11 Deputy Attorney General

12 Attorneys for Defendant
13 California Department of Corrections and
14 Rehabilitation
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: ***Rosario Marinello v. California Department of Corrections and Rehabilitation***

U.S. District Court, Case No.: C 08-0664 EDL

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is P.O. Box 70550, Oakland, CA 94612-0550.

On April 14, 2008, I served the attached **DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at Oakland, California, addressed as follows:

Rosario Marinello, In Pro Per
324 Hawthorne
Salinas, CA 93901

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on April 14, 2008, at Oakland, California.

Elvia Granados

Declarant

Signature